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5 **SUPREME COURT OF THE STATE OF CALIFORNIA**
6

7 JOEL GILBERT, Petitioner) CASE NO.
8)
9 vs) Court of Appeal Case No.: C105907
10 THE SUPERIOR COURT OF)
CALIFORNIA, COUNTY OF) **PETITION FOR REVIEW AND**
11 SACRAMENTO) **APPLICATION FOR IMMEDIATE STAY**
Respondent)
12)
and)
13 SHIRLEY N. WEBER, Sec of State)
Eric Michael Swalwell)
14 Real Parties in Interest)
_____)
15)

16 **URGENT ELECTION MATTER**

17 **Urgency Reason:**

18 Imminent statutory deadline for certification of candidates for the June 2026 primary election.
19 Absent immediate relief, the issues presented will become effectively unreviewable.

20 **Critical Date:**

March 26, 2026 (candidate certification deadline)

21 **Judge's Name:**

22 Hon. Shelleyanne W.L. Chang

23 **Trial Court Department:**

24 Department 21

25 **Trial Court Case Number:**

26 26WM000011

27 **Court of Appeal Case Number:**

28 C105907

1 **Original Court:**
2 Superior Court of California, County of Sacramento

3 **Reason for Stay:**
4 To preserve this Court’s jurisdiction and prevent certification of a candidate whose eligibility is
5 being challenged, where certification would moot the issues before review can occur.

6 **Trial Court Contact Phone Number:**
7 (916) 874-5522

8 **PETITION FOR REVIEW AND APPLICATION FOR IMMEDIATE STAY**

9 **INTRODUCTION**

10 This is an emergency election matter requiring immediate intervention before the Secretary of
11 State’s March 26, 2026 certification deadline.

12 The Court of Appeal summarily denied a petition raising a pure question of law concerning the
13 application of Elections Code section 2026 to gubernatorial eligibility and the improper use of a
14 “conclusive presumption” in the face of directly contradictory evidence.

15
16 Absent immediate relief, certification will occur within days, rendering the issues effectively
17 unreviewable.

18
19 The absence of a written decision below leaves unresolved a recurring legal issue of statewide
20 importance.

21 This case presents a pure question of law appropriate for immediate resolution by this Court without
22 further factual development.

23
24 **ISSUES PRESENTED**

- 25
26 1. Whether Elections Code section 2026 applies to gubernatorial eligibility under Article V of
27 the California Constitution.
28

- 1 2. Whether a “conclusive presumption” may be applied without first establishing the predicate
2 fact required for its operation.
3 3. Whether courts may apply a conclusive presumption in the face of directly contradictory
4 official government records.

5
6 **REASONS FOR GRANTING REVIEW**

7 Review is warranted under California Rules of Court, rule 8.500(b)(1), (2), and (3), because this
8 case presents important questions of law, requires uniformity of decision, and involves issues of
9 statewide significance concerning constitutional eligibility for public office.

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11 **1. STATEWIDE IMPORTANCE**

12 This case presents an issue of statewide significance:

- 13
14 • The interaction between statutory presumptions and constitutional eligibility requirements
15 • The integrity of candidate qualification for statewide office
16 • Whether statutory presumptions can override constitutional standards

17 **2. PURE QUESTION OF LAW**

18
19 This case presents pure legal issues, including:

- 20
21 • Scope of Elections Code §2026
22 • Limits of conclusive presumptions
23 • Required analytical sequence before applying presumptions

24 No factual disputes need to be resolved for this Court to act.

25
26 **3. NEED FOR IMMEDIATE RESOLUTION**

27 Certification is imminent:
28

- 1 • March 26 deadline (within ~72 hours)
- 2 • Once certification occurs, the case becomes moot

3
4 This is precisely the type of case warranting immediate Supreme Court intervention

5 **STATEMENT OF THE CASE**

6
7 Petitioner challenged the eligibility of a gubernatorial candidate based on failure to satisfy
8 California residency requirements.

9 The trial court denied relief based on a legal conclusion that Elections Code section 2026 creates a
10 conclusive presumption of domicile based solely on voter registration.

11
12 The Court of Appeal summarily denied relief without addressing the controlling legal questions
13 presented.

14 **ARGUMENT**

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16 **I. THE COURT OF APPEAL ALLOWED A MISAPPLICATION OF A CONCLUSIVE**
17 **PRESUMPTION**

18
19 The lower court applied a conclusive presumption without first establishing the predicate fact
20 required for its application.

21 As set forth in the petition below:

- 22
23 • The presumption applies only if the address qualifies as a “residence”
- 24 • That predicate fact was disputed and contradicted by official records
- 25 • The court bypassed this inquiry entirely

26 A conclusive presumption cannot attach where its foundational fact is unproven or contradicted

27
28 **II. SECTION 2026 DOES NOT GOVERN GUBERNATORIAL ELIGIBILITY**

1 By its plain language, §2026 applies only to:

2
3 “A Member of the Legislature or a Representative in Congress”

4 It does not apply to:

- 5
- 6 • Governor
 - 7 • Statewide constitutional offices

8 The lower court improperly extended a statutory presumption into a constitutional eligibility
9 framework.

10
11 A statute governing members of Congress cannot be used to conclusively establish eligibility for a
12 separate constitutional office with independent requirements.

13
14 **III. THE RULING CREATES A CONSTITUTIONAL ENFORCEMENT VACUUM**

15 The ruling effectively holds:

- 16
- 17 • No investigation required
 - 18 • No judicial review of contradictory evidence
 - 19 • No mechanism to enforce Article V residency

20 This creates a complete enforcement gap, allowing constitutional requirements to be bypassed.

21
22 **IV. THE ISSUE WILL EVADE REVIEW WITHOUT INTERVENTION**

23 As set forth below:

- 24
- 25 • Certification will occur imminently
 - 26 • Ballot preparation will proceed
 - 27 • Appellate review becomes meaningless

1 Absent immediate intervention, the issues presented will evade review entirely due to the statutory
2 certification deadline, a circumstance long recognized as warranting immediate appellate
3 intervention.

4

APPLICATION FOR IMMEDIATE STAY

5

6 Petitioner requests an immediate administrative stay of candidate certification.

7

8 **Grounds:**

9

- Certification imminent (within days)
- Irreparable harm (loss of judicial review)
- Strong likelihood of success on legal issues
- Public interest in lawful candidate eligibility

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11

12

13

14 The balance of equities strongly favors preserving the status quo pending review.

15

16 Maintaining the status quo is essential to prevent irreversible alteration of the electoral process
17 before judicial review can occur.

17

18 **Requested Relief**

19

20 Petitioner respectfully requests that this Court:

21

1. Issue an immediate temporary stay of certification

22

2. Grant review

23

3. Transfer or decide the matter on the merits

24

4. Grant such further relief as appropriate

25

26 **V. THIS COURT SHOULD GRANT IMMEDIATE RELIEF TO PRESERVE ITS**

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JURISDICTION

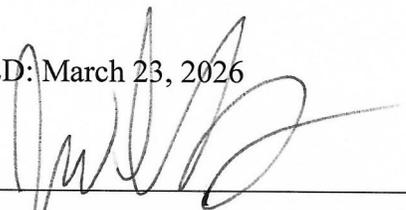
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1 Absent an immediate stay, certification will proceed and the Court's ability to provide meaningful
2 review will be irreparably lost. This Court routinely grants immediate relief in such circumstances,
3 to preserve its jurisdiction.

4
5 **CONCLUSION**

6 Immediate intervention is required to preserve the Court's jurisdiction and ensure that constitutional
7 eligibility requirements are not rendered unenforceable by timing alone.

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9 **VERIFICATION**

10 DATED: March 23, 2026
11 
12 _____

13 Respectfully submitted,
14 JOEL GILBERT, Petitioner, Pro Se

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